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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,582	10/27/2003	Sandro David Klein	81230.98US1	3749
34018 7590 05/13/2009 GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 3100 CHICAGO, IL 60601-1732				
EXAMINER				
BROWN, VERNAL U				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SANDRO DAVID KLEIN,
AND PATRICK H. HAYES

Application No. 10/694,582
Technology Center 2612

Mailed: May 13, 2009

Before DELORES LOWE, Review Team Paralegal

LOWE, Review Team Paralegal.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 11, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On October 23, 2007, appellants filed an Appeal Brief. On page 5, under the heading “Grounds of Rejection to be Reviewed on Appeal” the Appellants stated:

1. Whether the rejection of independent claims 1 and 25 (and, therefore, the rejections of depending claims 2-7, 10-12, 14, 17-20, 24, 26-28, 30-36, 38 and 41-45) under 35 U.S.C. § 102 based upon Van Ryzin (U.S. Patent No. 6,127,941)

In response, an Examiner’s Answer was mailed on February 21, 2007. While the Answer notes that “The appellant’s statement of the grounds of rejection to be reviewed on appeal is correct . . .” [page 2], the Examiner’s Answer, the following §§ 102 and 103 rejections were made:

Claims 1-7, 10-12, 14, 17-20, 23-28, 30-36, 38, 41-45
are rejected under 35 U.S.C. 102(b) as being
anticipated by Van Ryzin US Patent 6127941.

A clarification of the claims to be applied in the rejection is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to vacate Examiner’s Answer mailed February 21, 2007, and issue a revised Examiner’s Answer to give a proper explanation of the grounds of rejection;
and
- 2) for such further action as may be appropriate.

Application No. 10/694,582

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/DAL/

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